

Affidavit in Support of Criminal Complaint

1. I, Justin Harken, am a Special Agent with Federal Bureau of Investigation, being duly sworn, depose and state the following:
2. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and am currently assigned to the Havre Resident Agency in Havre, Montana, which is part of the Salt Lake City Division of the FBI. During my time as a Special Agent, I have participated in and directed numerous complex criminal investigations. I have completed the qualified training for federal investigations in Quantico, Virginia. Prior to being a Special Agent with the FBI, I was a police officer and detective for the Fargo Police Department in Fargo, North Dakota. I am aware through my experience that investigating the communication patterns of suspects provides significant evidence for how drug trafficking organizations operate and conduct their drug trafficking businesses.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. I make this affidavit in support of a criminal complaint charging Melody Rose Bernard and Ashley Jocelyn Cortez with knowingly and unlawfully possessing with intent to distribute fentanyl and methamphetamine, and conspiring to do so, in violation of 21 U.S.C. §§ 841(a)(1) and 846.
5. The United States, including the FBI, is conducting a criminal investigation of Martin Topete known as “Junior,” Ashley Cortez aka “Green Eyes,” and Melody Bernard regarding possible violations of 21 U.S.C. §§ 841, 846 and 848.

Drug Investigation

6. On September 7, 2023, Tri Agency Task Force (TATF) Agent Minnick and Federal Bureau of Investigation (FBI) Special Agent Harken conducted an interview of S.S. at the Hill County Detention Center. Prior to the interview, S.S. requested to speak with Agents. S.S. advised that Melody Bernard sells narcotics out of Ziah’s, which is Melody’s business in Box Elder, Montana. S.S. also advised that S.S. provided an uncle with money and he got six fentanyl pills for \$100 from Bernard. S.S. said that Bernard and her transgender son, Bianca, were selling a lot.
7. On November 2, 2023, SA Harken conducted an interview of M.D. at the Hill County Detention Center. M.D. is a known drug user on the Rocky

Boy's Indian Reservation. M.D. informed SA Harken that Bernard was selling fentanyl pills out of her pizza place in Box Elder, Montana.

8. On December 13, 2023, Agent Minnick and SA Harken interviewed B.P. at the Hill County Detention Center. B.P. said that for approximately the last month prior to the interview, B.P. was getting fentanyl pills from Melody Bernard. B.P. bought from Bernard two or three times and got 25-40 pills each time. Bernard charged B.O. approximately \$10-\$20 per pill. B.P. bought the pills from Bernard at her business in Box Elder, Ziahs. B.P. did not call or text Bernard, B.P. walked into the business and talked to her. Bernard usually carried the pills on her person. B.P. also indicated that Bernard has Frank Caplette work for her.
9. On December 18, 2023, Fort Belknap Police Criminal Investigator (CI) Charles T. Lamebull conducted an interview with a Source of Information (SOI). SOI informed CI Lamebull that Melody Bernard is involved in the sale and distribution of dangerous drugs, specifically fentanyl and methamphetamine. SOI advised Bernard is the source of supply to the Rocky Boy's Indian Reservation, dealing anywhere from 500-1,000 fentanyl pills at a time. Bernard's common price for a pill is around \$40. However, the SOI did inform CI Lamebull that if you purchase in bulk, or if Bernard knows you well, she will sell as low as \$10-\$20 per pill. The SOI identified

that Bernard sells out of her house, which is located in Box Elder across the railroad tracks near the Lone Tree. SOI also identified that Bernard sells drugs at her store, Ziahs, which is located near Jitter Bugs. SOI obtained this knowledge because SOI knows Bernard well and SOI has personally taken individuals over to both Bernard's residence and store to purchase dangerous drugs.

10. On February 27, 2024, SA Harken conducted an interview with Confidential Human Source (CHS) S-00117399, hereinafter referred to as "CHS". At the time of the interview, CHS had not been signed up as a CHS, but was being recruited as a CHS. CHS was later signed up as a CHS. CHS said that they have been purchasing meth and fentanyl from Melody Bernard since she opened her pizza place in Box Elder, Montana in 2023. CHS has purchased narcotics from Bernard at least 40-50 times over that time frame. Over that time frame, CHS has purchased over 1000 fentanyl pills for \$5,000-\$6,000. CHS has also bought an ounce of meth at a time for approximately \$500 an ounce. Over the last year, CHS has paid a total of \$4,000 for approximately a pound of meth from Bernard. CHS has also purchased approximately an ounce of powder fentanyl for \$40 per tenth of a gram. The purchase of both meth and fentanyl has occurred at the pizza place (Ziah's), the adjacent business also owned by Bernard (High Society), and Bernard's house in Box

Elder. CHS said the last time they bought from Bernard was February 12, 2024. CHS bought an ounce of meth for \$400 and 10 fentanyl pills for \$200.

11. On March 7, 2024, CHS reported that they observed Bernard with approximately 1,000 fentanyl pills. CHS saw Bernard concealing these pills in the gambling machines at Ziah's Pizza Place.
12. On March 11, 2024, CHS conducted a controlled purchase of fentanyl from Melody Bernard and D.S. on the Rocky Boy's Indian Reservation. Prior to the controlled purchase, CHS contacted Bernard via telephone to coordinate the purchase. CHS showed SA Harken their call log for the time period before and during the controlled purchase. SA Harken noted that CHS called 406-390-0076 shortly before the controlled purchase. SA Harken knows from other investigative techniques that phone number 406-390-0076 belongs to Bernard.
13. CHS Background: CHS S-00117399 was an FBI CHS from February of 2024 until May of 2024. CHS was being ran jointly with the TATF. CHS has minimal criminal history. CHS was paid less than \$500 for their services. CHS provided information against their own self-interest. Additionally, CHS has provided information on Bernard and other subjects that has been corroborated through other investigative techniques. In May

of 2024, SA Harken closed the CHS for cause, as they stole \$300 of prerecorded buy funds and surveillance equipment during an attempted controlled purchase of fentanyl from Bernard. This occurred after the controlled purchase detailed previously.

14. On March 21, 2024, TATF Agent CJ Reichelt and SA Justin Harken spoke with CI-24-780, hereinafter referred to as “Informant”, in regard to Melody Bernard. The Informant said that Bernard is distributing large amounts of methamphetamine and fentanyl out of her Box Elder residence and business. The business is known to Agent Reichelt to be Ziah’s Place located at 15 US Highway 87. They have been getting methamphetamine and fentanyl from Bernard for distribution over the past months. Most recently, they had been fronted one ounce (28.3 grams) of fentanyl powder from Bernard, which they later had to pay \$1,500 for that ounce. This was approximately two (2) weeks prior to the March 21 conversation with agents. Around this time, the Informant said that they had seen Bernard with approximately \$50,000 in US Currency at Ziah’s Place. Bernard is being sourced by a Mexican male named “Junior.” Junior is incarcerated in a jail in California, but they did not know which prison or jail. Bernard communicates with Junior via cellphone calls and Facetime calls. The contact in Bernard’s phone for Junior’s number is “The One.” They have seen Bernard on a phone call with

Junior at one time. The voice and SMS, they were calling Bernard on a phone number that they believed was 406-390-0767 or something like that combination. The Informant seemed confused to what the last 4 digits were to Bernard's phone number, but was sure the prefix was 406-390. Agent Reichelt knows a phone number associated with Bernard is 406-390-0076. The Informant also stated that they knew of Hispanic female known as "Green Eyes" and have met her on one occasion. This female typically comes up and manages Bernard selling the methamphetamine. This female stays with people in the Rocky Boy's area or with Bernard. One of the people that drive this female around is a male identified as C.L. The Informant stated that "Green Eyes" is tied into Bernard, as well as a male in Great Falls known to Agent Reichelt as J.O. The Informant stated that "Green Eyes" is the middle person between Bernard and J.O. and the top tier, who is "Junior."

Homicide Investigation

15. On March 28, 2024, Hill County Sheriff Deputies responded to a shooting at the D and L Bar in Box Elder, Montana, in which TR Yallup and Darren Caplette were shot to death. During the homicide investigation, law enforcement learned, primarily through video surveillance, that there were two shooters driven by a third male in a vehicle later identified as belonging

to Melody Bernard. Additionally, Bernard was present during the shooting and briefly transported Darren Caplette after he was shot before being intercepted by the responding ambulance. Bernard was observed speaking on a cell phone before, during and after the shooting. The vehicle used to transport Darren Caplette was later found at the house of Melody Bernard's ex-husband, H.W. Sr. H.W. Sr. admitted in an interview that Melody Bernard informed him the vehicle was used during a shooting and instructed him to destroy the vehicle.

16. Law enforcement reviewed camera footage observing Melody Bernard's residence on the day before the double homicide, on March 27, 2024. Three males were observed entering and exiting Bernard's residence on that camera footage that corresponded with the video footage observed from the D and L Bar. Specifically, these three individuals matched the description of the shooters and were wearing the same clothing worn by the shooters observed in the D and L Bar video. Additionally, these three individuals were driving the same vehicle that was later recovered at H.W. Sr's residence.
17. Montana Department of Criminal Investigation (DCI) Agent Bruce McDermott and Special Agent John Murphy interviewed Melody Bernard at the Rocky Boy Law Enforcement Center on March 28, 2024. Melody

Bernard identified the three individuals in the suspect vehicle footage capturing the events at the D and L Bar. The three individuals were identified as: (1) 18-year-old Angel Castillo; (2) 16-year-old Miguel Ibanez; and (3) 18-year-old Angelo Sanchez. During the interview with Agent McDermott, Melody Bernard was receiving communication and produced her cell phone which was used to communicate with subjects. Melody Bernard was also asked about a contact in her phone named “Green Eyes.” Melody said she knew Green Eyes’ real name to be Ashley. She said she did not know Ashley very well. She said that Ashley would force Melody into letting Ashley and her associates stay with her. She also said Ashley was part of the drug activity on Rocky Boy’s and that was why she was in the area.

18. Melody indicated that Ashley aka “Green Eyes” and Angel Castillo previously came to her residence in November 2023, looking for F.C. (the brother of victim Darren Caplette). She reported that “Junior” called her on the phone and was acting aggressive towards her, wanting to know where F.C. was and if she was hiding him. That time, neither Ashley nor Angel were able to locate F.C. During this interview, Melody also mentioned that Ashley is the daughter of Junior and that they are all drug dealers out of California. Specifically, Melody said that Junior, Angel, and Ashley were

regularly running drugs from California to Montana and had ties to a Mexican cartel. Melody also mentioned that Junior's street name is "Bad Boy".

19. Melody said that on the March 2024 trip to Montana, she believed Castillo, Ibanez, Sanchez, and Ashley aka "Green Eyes" were looking for F.C. as they had been in November 2023, but that they were also looking to beat A.P. over a debt that he owed this organization or cartel. Melody also reported that Junior "had words" with Darren Caplette over the phone just two nights prior to the shooting. Law enforcement later determined that Castillo, Ibanez, Sanchez, and Ashley were picked up in California by a Rocky Boy's tribal member and driven across state lines to Box Elder within a single day before the shooting.
20. Melody provided contact information for Junior as 818-322-7197. However, this phone number is a Voice Over IP (VOIP) which 3-way links to the originating phone number of the caller. In my training and experience, drug traffickers use VOIPs to obscure their actual phone numbers to avoid detection by law enforcement. Melody confirmed that Junior is in prison and contacts her from prison with a prohibited cell phone that he has in his cell. She stated that she has FaceTimed with him and had even taken screen

capture of his face, which was later found on her phone pursuant to a state search warrant.

21. In a separate interview with Melody Bernard on March 28, 2024, she indicated that she had a video doorbell which may have captured footage of the suspects after the shooting occurred. Law enforcement obtained the video doorbell footage and observed the suspects entering a red Ford Fusion sedan in the early morning hours of March 28, 2024. The red Ford Fusion was registered to W.S., a known associate of P.V.
22. Special Agent Robert Houston located and interviewed P.V. on March 28, 2024. P.V. indicated that at approximately 4:30 am that morning (approximately three hours after the shooting), P.V. received a series of text messages from an individual known as “Green Eyes” from number 279-228-7719. The texts were asking for a ride from Melody Bernard’s home to the Super 8 Motel in Havre, Montana. Green Eyes texted P.V. and stated that she felt uncomfortable in the area and wanted a ride to Havre. P.V. picked up Green Eyes, a man she identified as her brother Angel, and another Hispanic male and gave them all a ride to Havre. During her interview, P.V. also said that she witnessed drug transactions, specifically the sale of fentanyl, at Ziah’s Place involving Melody Bernard and others. P.V. said

she has heard both “Green Eyes” and Melody Bernard orchestrate drug transactions on the phone.

23. On March 28, 2024, law enforcement proceeded to the Super 8 Motel and identified that Angel Castillo, a suspect involved in the shooting, rented Room 109 earlier that morning. Law enforcement went to Room 109 at the Super 8 Motel and knocked on the door several times. Four individuals were located at Super 8 Motel in Room 109 in Havre, Montana. Law enforcement identified the individuals as Ashley Cortez aka “Green Eyes,” Angelo Sanchez, Miguel Ibanez, and Angel Castillo. Law enforcement later executed a search warrant on Room 109 and found two handguns, multiple cell phones and suspected narcotics.
24. Ultimately, state law enforcement arrested Castillo, Ibanez, and Sanchez as a result of their suspected involvement in the shooting. Castillo and Sanchez are currently in custody with the Choteau County Jail, while Ibanez is in custody at the juvenile detention center in Great Falls, Montana.
25. On March 28, 2024, DCI Agent McDermott also interviewed Melody’s daughter, Bianca, who said that she knew Junior and had spoken to him and seen him in video calls. She explained that during one call that Ashley aka “Green Eyes” had with Junior on the phone between March 27 and March 28, 2024, Ashley handed the phone to Bianca. Ashley had been talking with

Junior, who suddenly hung up on her. When the phone cleared, Bianca noticed that a photograph had been sent to Ashley by Junior on Ashley's phone. Bianca stated that the photo was of TR Yallup, one of the homicide victims.

26. On March 28, 2024, SA Harken interviewed a Potential Confidential Human Source (PCHS). The PCHS said that two months prior to the interview, they were sent to a house on the Rocky Boy's Indian Reservation to purchase narcotics. The PCHS said Melody Bernard had sent them to that house after the PCHS tried to purchase narcotics from Melody, but Melody did not have any narcotics on her. At the house the PCHS was sent to, the PCHS met a woman named "Green Eyes." Before buying fentanyl powder from Green Eyes, Green Eyes called the "plug," a Mexican guy, on Facetime. The PCHS briefly spoke with this male who wanted to know if the PCHS did time in prison. After speaking with the male, Green Eyes provided the fentanyl to the PCHS. The house that the PCHS went to was later identified as being occupied by C.L.
27. Law enforcement sought and obtained a state search warrant of Melody Bernard's cell phone. The phone number for this cell phone is 406-390-0076. During the search, law enforcement observed a 31-minute phone call between Melody and a caller from 562-662-1774, a California-based cell

phone, on March 28, 2024, the date of the shooting. The phone call started before the shooting, lasted throughout the shooting and Melody's subsequent attempted transport of Darren Caplette. Due to the information obtained during the investigation, it is believed by law enforcement that Junior may have ordered that either TR Yallup and/or Darren Caplette be murdered. Additionally, law enforcement received information from multiple sources that additional Hispanic males were in the area of the Rocky Boy's Indian Reservation to "clean house," which law enforcement interpreted as a threat to life.

28. Subsequently, Agent McDermott obtained an exigent pen register/trap and trace and location data for 562-662-1774, believing it may belong to Junior. Agent McDermott reviewed location data for this number and found that the phone was in or near the Centinela State Prison in Imperial County, California. Agent McDermott also determined that the phone had very little to no movement. This information was consistent with previous statements that Junior is incarcerated. Agent McDermott also discovered that the shooting suspects currently housed in Choteau County Jail, have made calls to a male believed to "Junior" since they have been incarcerated. These calls have been made through a VOIP number.

29. On April 8, 2024, Agent McDermott informed SA Harken that “Junior” may be Martin Topete. Agent McDermott obtained a possible address for where Castillo, Ibanez, and Sanchez were picked up in California the day before the shooting. Agent McDermott discovered that individuals associated with that address had the last name Topete. Agent McDermott searched for inmates of Centinela State Prison with the last name Topete and found Martin Topete. Agent McDermott found an appeal discussing Topete’s underlying criminal case, *People v. Martin Topete, et al.*, 2020 WL 64279 (Cal. Jan. 7, 2020). In reviewing the facts of that case, Agent McDermott learned that Topete is incarcerated for a drug-related premeditated murder of a rival gang-member in 2015. The case discusses how Topete founded a small gang named Wicked Pot Smokers (WPS) in the early 2000s, and he was known by the monikers “Junior” and “Bad Boy.” Agent McDermott noted that Castillo, Ibanez, and Sanchez all had “WPS” tattoos on their bodies. It is therefore believed that Castillo, Ibanez, and Sanchez are members of the WPS gang, which they refer to as Wicked Playa Sureños.
30. In April of 2024, FBI SA Daniel Saavedra was able to obtain recent photographs of Topete. By comparing these photographs with a photograph that Melody Bernard had on her phone of “Junior”, SA Harken was able to positively identify Junior as Martin Topete.

31. On April 10, 2024, SA Harken applied for and was granted a search warrant from the U.S. District Court for the District of Montana for the location data, pen register and trap and trace for telephone number 562-662-1774. In review of the location data for the number, SA Harken observed the cell phone remained in the area of the Centinela State Prison in Imperial County, California throughout the duration of the cell phone's location data being obtained (April 14, 2024, through May 10, 2024). This is consistent with the phone being used by an inmate of the Centinela State Prison. SA Harken also reviewed the phone tolls and pen registration data for this number and found that it connected with the telephone number 406-399-4198 fourteen times. This was a top 5 contact for 562-662-1774 during the collection period. The first connection was on April 17, 2024, and the last was on May 5, 2024. TFO CJ Reichelt ran 406-399-4198 through the Havre Police records system and found that Melody Bernard called the Hill County Sheriff's Office from that number on April 19, 2024 to report a trespassing. Furthermore, on May 15, 2024, SA Harken confirm with Agent McDermott that he was still communicating with Melody Bernard. Agent McDermott said he was communicating with Bernard via telephone number 406-399-4198.

32. In further review of the search of Melody Bernard's cell phone obtained in the homicide investigation (detailed in paragraph 27 of this document) law enforcement found an abundance of evidence implicating Bernard in the trafficking of narcotics. Among the abundance of evidence, Agent Awtrey found a conversation between Bernard and Ashley Cortez where they were discussing whether Bernard received four or five pounds of methamphetamine. Agent Awtrey also found multiple ledgers detailing numerous transactions of large quantities of methamphetamine and fentanyl.
33. FBI TFO Chad Minnick obtained a state search warrant for the Cash App account for Melody Bernard. In review of these records, TFO Minnick found numerous transactions between Bernard and Ashley Cortez with subject lines indicating the payments were for Junior.
34. On May 15, 2024, Agent Awtrey and TFO Chad Minnick interviewed CC-24-794 regarding Bernard trafficking dangerous drugs to the Rocky Boy's Indian Reservation. CC-24-794 said Bernard was in Jitterbugs restaurant in Box Elder on or about May 9, 2024, wanting to get a hold of L.O. CC-24-794 later spoke with L.O. about Bernard. L.O. said Bernard was looking for money to make a run for narcotics. L.O. stated to CC-24-794 he believed Bernard needed money for a debt Bernard owed to the Cartel. L.O. later told CC-24-794 Bernard returned with a large quantity of fentanyl for L.O. and

another individual known as B.H. to distribute in the Rocky Boy's area.

CC-24-794 was asked when Bernard returned and they stated on Sunday May 12, 2024. CC-24-794 has provided information that was corroborated through other investigative techniques. CC-24-794 has provided information against their own self-interest. CC-24-794 is working with law enforcement in anticipation of receiving leniency in their own criminal case.

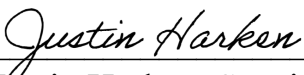
35. On May 15, 2024, SA Harken determined through databases that 406-399-4198 is a Verizon Wireless serviced number. On May 17, 2024, SA Harken applied for and was granted a search warrant from the U.S. District Court for the District of Montana for the location data, pen register and trap and trace for telephone number 406-399-4198. On May 17, 2024, SA Harken observed that Bernard's phone was in Box Elder, Montana. TFO CJ Reichelt was able to confirm through a pole camera that Bernard was back at her residence in Box Elder and was accompanied by Ashley Cortez.
36. On May 20, 2024, TFO Reichelt observed a large volume of come and go traffic from Bernard's residence, consistent with the sales of narcotics.
37. On May 21, 2024, DCI Agent McDermott, along with other law enforcement officers, executed a state search warrant at Bernard's residence, located at 220 First Street NW in Box Elder. During the execution of the search warrant, SA Harken observed Ashley Cortez hiding in a bathroom

with the water running. After detaining Cortez, SA Harken observed a large amount of suspected methamphetamine and suspected cocaine in the bathtub with the water running. It was apparent to SA Harken that Cortez was attempting to destroy evidence. Cortez and Bernard were both located in the house during the search warrant, as well as J.P. and G.W. During the search warrant, law enforcement recovered approximately 64.5 grams of suspected methamphetamine, which was later confirmed through a TruNarc scanner to be methamphetamine, approximately 98 grams of suspected cocaine, which was later confirmed through a TruNarc scanner to be cocaine and approximately 64 fentanyl pills. Law enforcement also recovered approximately \$8,800 in cash and a firearm.

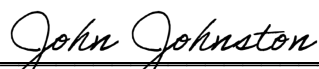
38. During a subsequent interview of Ashley Cortez, on May 21, 2024, she admitted to trafficking narcotics from California to Montana for Melody Bernard. She said would receive a safe containing money from Bernard and deliver it to a source of supply in California. She would then receive narcotics and bring them up to Bernard in Montana for distribution. Cortez said that since November of 2023, she had made four trips for Bernard. She estimated that she transported 23 pounds of methamphetamine, 4500 fentanyl pills, five ounces of fentanyl powder and three ounces of cocaine for Bernard. She also estimated that she transported \$230,000 for Bernard.

Cortez witnessed Bernard distributing narcotics out of her house in Box Elder, as well as Ziah's. Cortez also admitted to distributing some of the narcotics herself. Cortez also admitted that the firearm located in the residence was hers. She said Bernard gave this to her for protection.

39. During a subsequent interview of Melody Bernard on May 21, 2024, she did not admit to trafficking narcotics. However, she did admit that "Junior" gave her a safe containing 23,000 fentanyl pills, which her daughter, B.W., transported to Montana for her.
40. Based on the above information, it is your affiant's belief probable cause exists to charge Melody Rose Bernard and Ashley Jocelyn Cortez with knowingly and unlawfully possessing methamphetamine and fentanyl with the intent to distribute, and conspiring to do so, in violation of 21 U.S.C. §§ 841(a)(1) and 846.


Justin Harken, Special Agent
Federal Bureau of Investigation

Sworn and subscribed by telephone to me on this 22nd day of May, 2024.


HON. JOHN T. JOHNSTON
United States Magistrate Judge